

UNITED STATES DISTRICT COURT
 for the
 Southern District of Ohio

United States of America)
 v.)
 Shawn Lavell MIDDLETON Jr.)

Case No.

2:22-mj-391

)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 01, 2022 in the county of Franklin in the
 Southern District of Ohio, the defendant(s) violated:

Code Section

18 U.S.C. § 922(g)(1)

Offense Description

Possession of a Firearm by a Convicted Felon

This criminal complaint is based on these facts:

See the attached Affidavit, which is fully incorporated herein.

Continued on the attached sheet.



Sworn to before me and signed in my presence.

Date:

City and state:

Columbus, Ohio

Complainant's signature

Amanda K. Hill, ATF Task Force Officer

Printed name and title

Judge's signature

Chelsey M. Vascura, U.S. Magistrate Judge

Printed name and title

Chelesa M. Ascencio, U.S. Marshals Judge



PROBABLE CAUSE AFFIDAVIT
Shawn Lavell MIDDLETON Jr.

I, Amanda K. Hill, being duly sworn, depose and state that:

1. I have been a Police Officer with the Columbus, Ohio Division of Police since 2011. I have been a Task Force Officer (TFO) with the United States Department of Justice, Bureau of Alcohol, Tobacco Firearms, and Explosives (ATF) since July 2021. As a result of my training and experience, I am familiar with State and Federal criminal laws pertaining to firearms and narcotics violations.
2. This affidavit is being submitted in support of an application for a criminal complaint against Shawn Lavell MIDDLETON Jr. hereafter referred to as MIDDLETON for knowing he had been previously convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm, and the firearm was in and affecting interstate and foreign commerce, in violation of 18 U.S.C. § 922(g)(1) and 924(a).
3. The facts set forth within this affidavit come from the Affiant's own personal involvement with the investigation, as well as information provided by other law enforcement officers and reports. The information outlined below does not contain all details or facts of which I am aware relating to this investigation but rather as provided for the limited purpose of establishing probable cause that MIDDLETON committed this offense.
4. On May 11, 2015, MIDDLETON was convicted of the following offense: 1.) Robbery, a felony of the 2nd degree, in Franklin County, Ohio Court of Common Pleas, case number 14CR4058. An offense punishable by a term of imprisonment exceeding one year.
5. On or about June 01, 2022, Columbus, Ohio Division of Police Officers assigned to the Safe Streets Initiative, were patrolling 1392 Fairwood Avenue, Columbus, Ohio 43206 (Fairwood Park). Your Affiant is aware that Officers assigned to the Safe Streets Initiative are tasked with addressing the increase in violence in the parks. While circulating Fairwood Park, Officers observed a tan 1997 Lincoln Town Car (Ohio License Plate: JTR1851) parked near the playground. While initially driving past the vehicle, Officers observed two occupants and realized the female occupant was nude. The Officers noticed that there were small children playing at the playground not far from this vehicle. Officers recognized that the female could be in distress or partaking in lude activity in the park near where children were at play. As a result, Officers parked away from the vehicle and approached the vehicle on foot to ensure everything was fine.
6. As one of the Officers contacted the male, later identified by Columbus Police Department Data Works Plus, as MIDDLETON, he noticed that he was nude from the waist down and the two were in the middle of a sexual act. The Officer also observed a handgun in a black holster attached to the map pocket located on the back of the driver seat. The Officer described the handgun as being attached in such a way that it was on the outside of the seat map pocket. Due to the proximity of the weapon, the Officer trained his division issued firearm on MIDDLETON and gave verbal commands to put his hands in the air. The Officer then immediately recovered the firearm, placing it on the roof of the vehicle. MIDDLETON was then placed in handcuffs and under arrest. This interaction was captured on the Officer's Body Worn Cameras.

PROBABLE CAUSE AFFIDAVIT
Shawn Lavell MIDDLETON Jr.

7. MIDDLETON made the spontaneous utterance to an Officer that "It's only a gun in there man". While wearing latex gloves, an Officer recovered and made safe by removing any ammunition, the silver and black Smith & Wesson SD40VE, .40 caliber (Serial Number: FDH3568) handgun. The Officer noted that the handgun had one (1) live round in the chamber with thirteen (13) live rounds in the magazine inserted into the handgun. An additional magazine was with the holster and loaded with thirteen (13) live rounds of ammunition.
8. Officers contacted ATF TFO's regarding the incident and were advised that MIDDLETON was prohibited from possessing firearms based on a prior robbery conviction (Robbery F-2 in Franklin County, Ohio Court of Common Pleas, case number 14CR4058). Officers transported MIDDLETON to CPD Headquarters where he was placed in an audio/video recorded interview room. MIDDLETON was read his Constitutional Rights by TFO Hill in the presence of ATF TFO Emanuel Woods #2204. After confirming that he understood his rights, MIDDLETON stated that the female and himself were planning to have sex. Further, MIDDLETON stated that the handgun in the vehicle was his. MIDDLETON explained how the handgun was positioned in the vehicle which was consistent with what was described by the responding Officers. MIDDLETON said that he had found the handgun approximately seven to eight (7-8) months ago near E Whittier Street and Fairwood Avenue and has kept it ever since. MIDDLETON said that he took possession of the gun after he observed a person running from the police throw the gun. MIDDLETON explained that he was aware that he was not permitted to have a firearm due to his previous robbery conviction. Nevertheless, MIDDLETON said that he decided to keep this handgun for protection.
9. A verbal interstate nexus determination was conducted on the silver and black Smith & Wesson SD40VE, .40 caliber (Serial Number: FDH3568) by ATF Special Agent J. Burns. It was determined that the aforementioned firearm, which was seized on or about June 01, 2022, was manufactured outside of the State of Ohio and, therefore, it affected interstate commerce to reach the State of Ohio.
10. The aforementioned offense occurred in Franklin County, Ohio, in the Southern Judicial District of Ohio.

PROBABLE CAUSE AFFIDAVIT
Shawn Lavell MIDDLETON Jr.

11. Based on this information, your affiant believes probable cause exists that Shawn Lavell MIDDLETON Jr. knowing that he had been previously convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm, that is Smith and Wesson SD40Ve, 40 caliber handgun bearing serial number FDH3568, in violation of 18 U.S.C. § 922(g)(1) and 924(a)(2).

Amanda K. Hill

Amanda K. Hill
ATF Task Force Officer

Sworn to and subscribed before me this 7th day of June, at 2022, Columbus, Ohio.

CKH

UNITED STATES MAGISTRATE JUDGE

Chelsey M. Vascura, U.S. Magistrate Judge